

## Message Text

CONFIDENTIAL

PAGE 01 THE HA 02938 130908Z

15

ACTION DLOS-07

INFO OCT-01 EUR-25 ISO-00 IO-14 CG-00 AF-10 ARA-16 EA-11

NEA-14 RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 FEA-02

CEQ-02 COA-02 COME-00 EB-11 EPA-04 NSF-04 SCI-06

ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00

OMB-01 DRC-01 OIC-04 /271 W  
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R 130754Z JUN 74

FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 3777

INFO AMEMBASSY BRUSSELS

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION NATO

USMISSION UN NY

C O N F I D E N T I A L THE HAGUE 2938

E.O. 11652: GDS

TAGS: PBOR

SUBJECT: GON VIEWS ON LOS CONFERENCE

1. SUMMARY: ON JUNE 12, DURING EXCHANGE OF VIEWS ON  
UPCOMING LOS CONFERENCE IN CARACAS, MFA LEGAL ADVISER  
PROF. RIPHAGEN EXPRESSED DISAPPOINTMENT WITH MAY 14  
DRAFT CHAPTER ON ECONOMIC ZONE, CLAIMING IT PAID TOO  
LITTLE ATTENTION TO INTERESTS OF GEOGRAPHICALLY DIS-  
ADVANTAGED STATES AND REPRESENTS "RETROGRESSION"  
FROM INTERNATIONALISM STRESSED IN EARLIER US DRAFT.  
RIPHAGEN SUGGESTED MEETING BETWEEN US AND GEOGRAPHICALLY  
DISADVANTAGED NATIONS REPRESENTING LA, ASIA, EUROPE  
AND AFRICAN EARLY ON DURING CARACAS SESSION. RIPHAGEN  
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PAGE 02 THE HA 02938 130908Z

REMAINS IMPRESSED BY TREMENDOUS PROBLEMS LOS CONFERENCE

MUST SOLVE BUT THINKS THERE POSSIBILITY OF OUTLINE OF "PACKAGE DEAL" AT CONCLUSION OF CARACAS. HE FEELS THIS COULD BE WHIPPED INTO FINAL SHAPE WITHIN A YEAR AND FINALIZED IN LOS SESSION IN VIENNA.  
END SUMMARY.

2. ON JUNE 12 POLCOUNS AND EMBOFF MET WITH MFA LEGAL ADVISER PROF. RIPHAGEN (WHO WILL LEAD GON LOS DELEGATION IN CARACAS) AND HIS PRINCIPAL ASSISTANT FOR LOS, BOS, WHO WILL ATTEND CARACAS' SECOND SESSION. EMBASSY, WHICH HAS BEEN PROVIDING RIPHAGEN AND HIS STAFF WITH DETAILED GUIDANCE FURNISHED UNDER COVER OF VARIOUS LOS AIRGRAMS (FOR WHICH MFA GRATEFULLY REQUESTED SESSION TO HEAR GON VIEWS ON PARTICULAR PROBLEM AREAS THEY ANTICIPATE AT LOS CONFERENCE. RIPHAGEN, WHO NOTED HIS MANY FRIENDLY CONTACTS WITH US DELEGATES, SAID HE WAS DISAPPOINTED THESE CONTACTS SEEM TO HAVE FALLEN OFF RECENTLY. HE DESCRIBED RECENT LOS EXPERTS MEETING IN NATO IS NOT SO MUCH EXCHANGE OF VIEWS AS SESSION TO ALERT EXPERTS TO DEFENSE-RELATED LOS QUESTIONS.

3. RIPHAGEN THEN DISCUSSED MAY 14 UNOFFICIAL US DRAFT CHAPTER ON ECONOMIC ZONE. HE HAD STUDIED IT VERY CAREFULLY AND WAS FRANKLY DISAPPOINTED SINCE IT (A) TENDS TO DISREGARD INTERESTS OF GEOGRAPHICALLY DISADVANTAGED STATES WHO CAN PLAY CRUCIAL ROLE IN CONFERENCE AND (B) REPRESENTS BACKTRACING ON INTERNATIONALISM WHICH RIPHAGEN THOUGHT WAS EVIDENT IN EARLIER US (1970) DRAFT. ON (A) RIPHAGEN REFERRED TO KAMPALA DECLARATION AND INFLUENCE OF GEOGRAPHICALLY DISADVANTAGED IN GROUP OF 77. HE THOUGHT US SIDE MUST GIVE MORE THOUGHT TO THIS QUESTION. HE COULD FIND LITTLE IN DRAFT WHICH MEETS NEEDS THESE NATIONS FEEL. HE THOUGHT THIS PROBLEM MUST BE ADDRESSED IN CARACAS ALMOST AT OUTSET OF CONFERENCE OR CONFERENCE RAN SERIOUS RISK OF RUNNING AGROUND ON THIS ISSUE. ON (B) RIPHAGEN SAID HE HAD ALWAYS CONSIDERED US CHAMPION OF INTERNATIONALISM BUT CURRENT DRAFT REPRESENTED PULLING BACK FROM THIS CONCEPT. RIPHAGEN  
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PAGE 03 THE HA 02938 130908Z

FEELS DRAFT IS TOO WEIGHTED IN FAVOR DEVELOPED COASTAL STATES AND TOO MUCH OF THEIR POSITION IS ACCEPTED WITHOUT ANY QUID PRO QUO. RIPHAGEN EMPHASIZED IT ALWAYS DIFFICULT TO RETRACT SOMETHING ONCE IT DOWN ON PAPER. RIPHAGEN AGREED HE WAS TALKING PRIMARILY OF TACTICS BUT REITERATED THAT STATEMENTS ONCE MADE ON PAPER TENDED TO BE DIFFICULT TO RETRACT. HE CLAIMED US ACCEPTING TOO MUCH OF DEVELOPED COASTAL STATES' ARGUMENTATION

WITHOUT RECEIVING ANYTHING IN RETURN. DRAFT'S LANGUAGE REPRESENTED CONCESSIONS ON PART STATES LIKE US, USSR AND JAPAN BUT THERE NO CONCESSIONS FROM OTHER SIDE AND THIS IS WHAT "REALLY WORRIES HIM".

4. ADDRESSING QUESTION OF GEOGRAPHICALLY DISADVANTAGED NATIONS, RIPHAGEN FELT THERE SHOULD BE MEETING BETWEEN US AND REPRESENTATIVES GEOGRAPHICALLY DISADVANTAGED NATIONS FROM LATIN AMERICA, ASIA, EUROPE AND AFRICA EARLY-ON IN CARACAS. THIS WOULD BE DIFFICULT MEETING AND REQUIRE SOME PATIENCE BUT HE FELT MEETING IMPORTANT FOR SUCCESS OF LOS CONFERENCE.

5. RIPHAGEN SAID HE WAS ESPECIALLY DISTURBED BY LACK OF SPECIFIC LANGUAGE ON COMPULSORY DISPUTE SETTLEMENT PROCEDURE IN DRAFT. THIS MUST BE AN INTEGRAL PART OF ANY AGREEMENT AND SHOULD BE IN DRAFT. RIPHAGEN SAID THAT WHILE IT MAY APPEAR ACADEMIC HE THOUGHT DESCRIPTION OF RIGHTS OF COASTAL STATES IN DRAFT DANGEROUS SINCE IT FAILED SPECIFY BETWEEN RIGHTS WITH RESPECT TO CERTAIN ACTIVITIES AS OPPOSED TO ABSOLUTE RIGHTS. HE NOTED THAT IN 1958 INNOCENT PASSAGE HAD BEEN DESCRIBED IN TERMS OF COASTAL STATES' RIGHTS TO DETERMINE WHAT EXACTLY CONSTITUTES INNOCENT PASSAGE AND WE WERE STILL SUFFERING FROM THIS MISTAKE. FAILURE TO ADEQUATELY DESCRIBE RIGHTS OF COASTAL STATES LED TO "CREEPING JURISDICTIONALISM" AND THIS MUST BE RESOLVED AT OUTSET.

6. RIPHAGEN REVERTED TO QUESTION OF COMPULSORY SETTLEMENT MECHANISM WHICH HE CLAIMED WAS COMPLETELY LACKING. HE EXPRESSED SUSPICION USG (LIKE CANADA AND MEXICO) NOT FIRMLY COMMITTED TO COMPULSORY SETTLEMENT ISSUE AND WOULD BE INCLINED TO TRADE IT FOR SETTLEMENT IN OTHER

CONFIDENTIAL

PAGE 04 THE HA 02938 130908Z

AREAS. HE FEELS THIS WOULD BE DETRIMENTAL TO INTERESTS OF ALL STATES, NOT ONLY GON. THUS, HE DECREIED NEGLECT OF COMPULSORY SETTLEMENT ISSUE. RIPHAGEN NOTED HE HAD SAID SAME THING TO NATO LOS EXPERTS. HE WARNED THAT RELEGATING COMPULSORY SETTLEMENT TO SEPARATE DRAFT OR OPTIONAL PROTOCOL WOULD METELY RESULT IN OPTIONAL PROTOCOL NO ONE OPTED FOR.

7. RIPHAGEN SAID THAT HE WAS CONSIDERING A LETTER TO AMBASSADOR STEVENSON RECOUNTING HIS OBJECTIONS TO OUR ECONOMIC ZONE PROPOSAL IN MORE DETAIL BUT WAS NOT ENTIRELY SURE TIME WOULD PERMIT THIS. HE MENTIONED IN PASSING THAT ARTIFICIAL ISLAND QUESTION WAS NOT AT ALL WELL DONE SINCE IT PAID INSUFFICIENT ATTENTION TO SITUATION IN PARTS OF THE WORLD OTHER THAN US WEST AND

EAST COASTS. HE ALSO FELT SAFETY ONE LANGUAGE UNCLEAR. IN ADDITION RIPHAGEN ALSO RAISED ENERGY CRISIS AND RESOURCES QUESTION AS IT RELATED TO LOS CONFERENCE, NOTING THAT PRINCIPAL QUESTION NO LONGER HARD MINERALS BUT GAS AND OIL. HE FELT ANY ZONE AGREEMENT WOULD HAVE TO TAKE THIS INTO ACCOUNT, ESPECIALLY IN TERMS OF MARKETING PRICES, ETC. POLCOUNS INTERJECTED THAT ADDING THIS DIMENSION TO ALREADY COMPLEX NEGOTIATION SEEMED OVERLOADING CIRCUIT. RIPHAGEN AGREED BUT STILL THOUGHT QUESTION HAD TO BE ADDRESSED.

8. ASKED ABOUT GENERAL GON ATTITUDE TOWARD LOS CONFERENCE, RIPHAGEN SAID HE ALWAYS RETAINED SOME OPTIMISM, OTHERWISE EXERCISE WOULD BE USELESS. HE FORESAW SOME DIFFICULTIES WITH CHINA BUT FELT THE CHINESE ARE ALWAYS MORE DIFFICULT RHETORICALLY THAN SUBSTANTIVELY. HE IS MORE CONCERNED ABOUT USSR AND TRIANGULAR RELATIONSHIP AMONG, USS, CHINA, AND US. STILL HE THINKS THIS CAN BE WORKED OUT. RIPHAGEN SAID HE IS HOPEFUL "OUTLINE OF PACKAGE DEAL" WOULD BE CLEAR BY END OF CARACAS SESSION. IT WOULD NEED A YEAR TO WORK OUT FROM LEGAL AND TECHNICAL SIDE AND THEN BE READY FOR VIENNA POLCOUNS REITERATED  
USG VIEW CARACAS MUST BE AS PRODUCTIVE AS POSSIBLE AND ONE CANNOT DEFER CRUCIAL DECISIONS IN EXPECTATION THEY WILL BE TAKEN IN VIENNA. RIPHAGEN AGREED, NOTING THAT LOS SITUATION ALREADY SO GRAVE THAT IMMEDIATE RESULTS IN  
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PAGE 05 THE HA 02938 130908Z

CARACAS ESSENTIAL.  
TANGUY

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## Message Attributes

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